



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Surcharge Against Former Administrator for Breach of Duty

DOD: 11/15/2002	PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/02/2015: Counsel requests additional time. Timothy Tomlin is ordered to be personally present in Court or via Court Call on 12/07/2015.
	Petitioner states: on June 21, 2007, the Court issued a minute order reading, "the court orders the Public Administrator is appointed...Personal Representative Christopher O'Neal is Removed."	
	The Court is respectfully referred to the PA's status report filed on 05/20/2014. Therein, the PA reported that she has been unable to make contact with any of the heirs, including the former administrator.	
Cont. from 031615, 072015, 092115, 110315	On 03/29/2004, the former administrator filed a final Inventory and Appraisal showing the value of the estate to be \$145,000.00 consisting solely of real property. The PA was able to determine that Christopher O'Neal put the property in his name, took out a loan against it, and then lost the house to foreclosure. He used part of the loan proceeds to purchase a new pick up, which the PG was able to marshal and sell for \$16,400.00.	
<input type="checkbox"/> Aff.Sub.Wit.	Christopher O'Neal never filed an accounting with the Court or provided any documents to the PA as directed by the Court. Due to his breach of fiduciary duty as personal representative, he should be surcharged the full value of the estate, \$145,000.00, less the amount recovered, \$16,400, for a total surcharge of \$128,600.	
<input checked="" type="checkbox"/> Verified	On 12/08/2003, proof of a \$50,000 bond was filed, as required by the Court. The bond company that issued it was Western Surety Company. Since it appears the PA will not be able to collect the judgment from Christopher O'Neal, he requests an order directing Western Surety Company, or the successor of that company, to pay the \$50,000 bond to the PA. Proper notice of this hearing will be given to the bond company.	
<input type="checkbox"/> Inventory	Wherefore, petitioner prays for an order that:	
<input type="checkbox"/> PTC	1. The Court find Christopher O'Neal breached his fiduciary duty as personal representative of the above-named estate;	
<input type="checkbox"/> Not.Cred.	2. The Court find that Christopher O'Neal's breach cost the estate the amount of \$128,600, and surcharge him that amount;	
<input checked="" type="checkbox"/> Notice of Hrg	3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$50,000 to the PA; and	
<input checked="" type="checkbox"/> Aff.Mail	4. The Court make any other proper orders.	
<input type="checkbox"/> Aff.Pub.	Please see additional page for Objection	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/30/2015
		Updates:
		Recommendation:
		1A – O'Neal
		File 1A – O'Neal

Objection to Petition for an Order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery filed on 03/09/2015 by Attorney Timothy J. Tomlin for Western Surety Company states they object to the Petition for surcharge filed by the Fresno County Public Administrator and requests an evidentiary hearing be set in late 2015 to permit WSC sufficient time to defend the allegations raised in the petition.

WSC issued a \$50,000.00 fiduciary bond to secure the faithful performance of fiduciary Christopher O'Neal as administrator. As such, it may be jointly and severally liable for any defalcations committed by Mr. O'Neal. WSC is an "interested person" in this proceeding and is entitled to participate in discovery and otherwise defend the surcharge claim to minimize any potential exposure on the administrator bond.

WSC and the personal representative Christopher O'Neal are entitled to an evidentiary hearing on the allegations raised. Each of the categories of alleged misconduct and related issues must be fully explored prior to the imposition of any surcharge. Ultimately, a trial may have to be set if a settlement cannot be reached and evidence hearing on the allegations. The Court should afford WSC and Mr. O'Neal with an opportunity to defend the allegations. This prevents the injustice of binding the principal and the sureties to the consequences of a proceeding in which there has been an insufficient opportunity to engage in discovery, present evidence, and cross examine the witnesses.

For the foregoing reasons, WSC requests that the Court set an evidentiary hearing with a time estimate of three (3) days for a date in August, 2015.

1B Marqueenia O'Neal (Estate) Case No. 03CEPR01456**Atty Kruthers, Heather (for Public Administrator – Successor Administrator)****Atty Tomlin, Timothy J. (for Western Surety Company - Objector)****Probate Status Hearing RE: Settlement**

		PUBLIC ADMINISTRATOR , was appointed Successor Administrator on 06/21/2007. Letters issued on 3-3-08. Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty was filed on 01/05/2015. Objection to Petition for An order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery was filed on 03/09/2015. Minute Order of 07/20/2015 set this Status Hearing regarding Settlement. Minute Order states counsel requests a continuance for discussions towards resolution.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 11/02/2015: Counsel requests additional time. Timothy Tomlin is ordered to be personally present in Court or via Court Call on 12/07/2015.
Cont. from 092115, 110315			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 11/30/2015
			Updates:
			Recommendation:
			File 1B – O'Neal

1B

Conservator

Greatrake, Robin

Probate Status Hearing RE: Receipt of Transfer

Age: 36 years	<p>ROBIN GREATRAKE, mother, was appointed Conservator of the Person on 8/7/2007.</p> <p>Court Investigator Charlotte Bien filed a <i>Petition for Transfer</i> on 8/27/2015 requesting this proceeding be transferred to the Superior Court of California, County of San Joaquin, because the Conservatee has resided in Stockton in San Joaquin County for over 1 year.</p> <p>On 10/07/15, the Court granted the Petition for Transfer and set this matter for a status hearing regarding receipt of Transfer from San Joaquin County.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 02/22/16</u> For Receipt of Transfer per Probate Dept. Mgr.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Timmerman</p>		

**3 Timothy Worden, Samantha Worden, Jason Worden and Joshua Worden
(GUARD/P)**

Case No. 07CEPR00886

Petitioner Bolin, Jill (pro per – mother)

Petition for Termination of Guardianship

		JILL BOLIN , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Ernestine Worden (paternal grandmother/guardian) b. Dustin Worden (father) c. Bob Worden (paternal grandfather) d. Timothy Bolin (maternal grandfather) e. Maternal grandmother 3. Need CI report and clearances.	
		ERNESTINE WORDEN , paternal grandmother, was appointed as Guardian of the minors on 07/15/08.		
		Father: DUSTIN WORDEN		
		Paternal grandfather: BOB WORDEN		
		Maternal grandfather: TIMOTHY BOLIN		
		Maternal grandmother: UNKNOWN		
Cont. from		Court Investigator Jennifer Young filed a report on – NEED REPORT.		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			x
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: JF Reviewed on: 11/30/15 Updates: Recommendation: File 3 - Worden	

Amended Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty

DOD: 7/11/08		PUBLIC ADMINISTRATOR , Successor Administrator, is Petitioner. Petitioner states Jo Anne Ruth Fuchs was appointed as administrator of the estate on 12/8/09 with \$30,000.00 bond, which was filed 1/8/10. Ms. Fuchs was removed as administrator per minute order 3/15/13. A Partial I&A was filed by the former administrator consisting of vehicles and trailers, total value \$8,100. The PA filed a Final I&A on 1/28/15 showing an additional value of \$15,950 consisting of vehicles and trailers. The PA filed a Supplemental I&A on 9/9/15 showing an additional value of \$4,200.00. The total appraised value of the estate is \$28,250.00. Ms. Fuchs sold the following items from the 2010 I&A: <ul style="list-style-type: none"> • 1955 Peterbilt Truck: \$400 • 1956 Peterbilt Truck: \$400 • 1970 Chevrolet Pickup: \$7,000 Ms. Fuchs sold the following items from the 2015 I&A: <ul style="list-style-type: none"> • 1979 Boat Trailer: \$900 • 1979 Belmont Boat: \$5,000 • 1973 Trailer: \$150 • 1982 Chevy El Camino: \$5,000 • 1970 Chevrolet Pickup: \$7,500 The PA sold the following items from the 2010 I&A: <ul style="list-style-type: none"> • 1970 trailer dolly: \$300 The PA sold the following items from the 2015 I&A: <ul style="list-style-type: none"> • Striped Motorboat: \$200 • Flatbed Utility Trailer: \$1,000 • Misc. motors and parts: \$400 The PA was able to recover \$1,900 worth of assets to sell, so Ms. Fuchs misappropriated \$26,350.00 worth of assets. She admitted to the PA that she sold the items and kept the money. Therefore, she should be surcharged the amount of \$26,350.00. Petitioner requests an order that: <ol style="list-style-type: none"> 1. The Court find that Jo Ann Ruth Fuchs breached her fiduciary duty as personal representative of the above-named estate; 2. The Court find that Ms. Fuchs' breach cost the estate the amount of \$26,350.00 and surcharge her that amount; 3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$26,350.00 to the PA; and 4. The Court make any other proper orders. 	NEEDS/PROBLEMS/COMMENTS: See Page 2.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: skc

Reviewed on:
11/30/15

Updates:

Recommendation:

File 4 - Esparza

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. Examiner previously noted that the Judgment Determining Ownership filed 12/9/10 included a 1993 Chevrolet Silverado Pickup that was not identified in any of the I&As filed, and questioned what happened to this vehicle?

Response to Examiner Notes filed 9/4/15 indicated that the PA had no knowledge of this asset; therefore, the value should be sought in the amended surcharge petition.

However, this amended petition does not mention the 1993 Silverado or seek surcharge for the value. The Court may require clarification.

6 Isaac Roman, Ilin Roman & Ilyssa Roman (GUARD/P)**Case No. 13CEPR00983**

Petitioner Roman, Guillermo (Pro Per – Maternal Grandfather)

Petitioner Avila, Maria Guadalupe (Pro Per – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

Ilyssa age: 3 mons.	<u>TEMPORARY EXPIRES 12/7/15</u>	NEEDS/PROBLEMS/COMMENTS:
	MARIA G. AVILA and GUILLERMO ROMAN , maternal grandparents, are petitioners.	This petition is as to ILYSSA ROMAN only.
Cont. from	<u>Please see petition for details</u>	Petitioners were previously appointed as guardian for Isaac and Ilin (3/27/14).
<input type="checkbox"/> Aff.Sub.Wit.		Minute Order of 10/13/2015 regarding the Temporary Petition states: Petitioners are informed that the father needs to be served.
<input checked="" type="checkbox"/> Verified		1. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on:
<input type="checkbox"/> Inventory		a. Ricardo Cantu (father)
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	x	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	x	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/30/2015
		Updates:
		Recommendation:
		File 6 - Roman

11A Eugene & Evelyn Ford Family Trust**Case No. 14CEPR00485****Atty Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)****Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent)****Amended Petition for Determination of Validity of Trust Amendment**

Eugene M. Ford DOD: 4-25-93		SUSAN FORD FRANTZICH , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Evelyn I. Ford DOD: 12-23-13			
		Petitioner states she is the daughter of decedents Eugene M. Ford and Evelyn Irene Ford and is a beneficiary of the Eugene M. and Evelyn I. Ford Family Trust dated 1-7-91. (Exhibit A)	<u>SEE ADDITIONAL PAGES</u>
Cont. from 110614, 111714, 091415, 110215		Petitioner states Casey Scott Rogers has been acting as Successor Trustee since the death of Mrs. Ford on 12-23-13 pursuant to the Ninth Amendment to Declaration of Trust.	Minute Order 9/14/15: Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	The Fords had three children: Nancy Lee Ford of Cambria, CA, Susan Jean Frantzich of Clovis, CA, and Patricia Elaine Coffman of Sanger, CA. The original trust named Nancy, Susan, and Patricia as successor co-trustees.	Note: Mr. Rogers filed two discovery motions on 11/3/15 that are set for hearing on 1/6/16.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner states the trust property includes, <i>inter alia</i> , real property known as the Quail Oaks Ranch. Among other provisions, the trustee had the power to "apportion and allocate assets of the trust estate" at Section 8.08A. The trust also gave the surviving spouse the power to "amend, revoke, or terminate" the Survivor's Trust at Section 2.03(D).	Note: It does not appear trial has been set in either this matter or the matter at Page B.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	<u>SEE ADDITIONAL PAGES</u>	Reviewed by: skc Reviewed on: 11/30/15 Updates: Recommendation: File 11A – Ford
<input checked="" type="checkbox"/>	Aff.Mail w		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Response		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

11A

Page 2**Petitioner states:**

- On 12-1-92, Mr. and Mrs. Ford signed the 1st Amendment, which amended the trust to name A. Douglas Flint, in the alternative Michael S. Pistoresi, as successor trustees, among other changes. (Exhibit B)
- On 4-25-93, Mr. Ford died and Mrs. Ford became the sole trustee.
- On 6-21-96, Mrs. Ford signed the 2nd Amendment, which amended the trust to appoint the Survivor's Trust to her then-living daughters. (Exhibit C)
- On 1-16-03, Mrs. Ford signed the 3rd Amendment, revoking the 1st and 2nd Amendments and amending the trust to name Nancy, Susan and Patricia as successor co-trustees. (Exhibit D)
- On 6-12-03, Mrs. Ford signed the 4th Amendment, revoking the 3rd Amendment and appointing the Survivor's Trust to her then-living daughters. The 4th Amendment also amended the trust to name Robert G. Carter as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit E)
- On 10-24-03, Mrs. Ford signed the 5th Amendment, appointing \$12,500 each to Ronald McKenzie, Joanne Stanion, and Samantha Cole. (Exhibit F)
- On 7-7-09, Mrs. Ford signed the 6th Amendment, revoking all previous amendments and appointing Casey Scott Rogers as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit G)
- On 3-29-12, Mrs. Ford signed "a trust amendment" naming Petitioner Susan Frantzich as successor trustee. (Exhibit H)
- On 5-10-12, Mrs. Ford signed the 8th Amendment, revoking all prior amendments and appointing James M. Bell as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit I)
- On 3-6-13, Mrs. Ford signed a document stating: "Upon my death, my daughter Susan Ford Frantzich will inherit the Quail Oaks Ranch 'barn compound,' and adjacent 40 acres." (Exhibit J)
- On 3-14-13, Mrs. Ford signed the 9th Amendment, purportedly revoking the 1st through 8th Amendments, and purportedly appointing Casey Scott Rogers as successor trustee, with James M. Bell as next successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit K)

SEE ADDITIONAL PAGES

Page 3

Petitioner states she has filed a Petition for Probate in this matter to ensure the Court has the power to enforce Mrs. Ford's intent as expressed in Exhibit J whether it is determined to have been expressed as a codicil or a trust instrument.

Petitioner states Mrs. Ford had the power to amend the Survivor's Trust, and frequently exercised that power before her death. She also had the power to allocate the assets of the trust, including the Quail Oaks Ranch property. Mrs. Ford handwrote the document to leave the Quail Oaks Ranch property "barn compound" and adjacent 40 acres to Petitioner. She had her caregiver, Hilda Ceballos, witness the document, showing the gravity and seriousness of her intent to make a change to the disposition of her estate plan. She satisfied the requirements of the trust for amendment by delivering a copy to herself as sole trustee. Petitioner requests that this Court order that the 3-6-13 document is a valid trust amendment.

Petitioner requests that the Court order the following:

1. **Declare the document signed on 6-3-13 is a valid trust amendment;**
2. **For costs herein; and**
3. **For such other orders as the Court may deem proper.**

Response filed 10-8-14 by Casey S. Rogers, Trustee, states the handwritten document does not constitute a valid amendment to the Survivor's Trust. Mr. Rogers believes he is authorized and directed to oppose the petition, as it has been informally raised whether his opposition would constitute a breach of his fiduciary duties (impartiality) to petitioner as a beneficiary.

In light of the conflict issue raised by Petitioner, Mr. Rogers intends to file a separate petition for instructions as to whether he is authorized and empowered to object to and oppose this petition.

Respondent requests this Court order that:

1. **The petition be continued pending the determination of Respondent's anticipated petition for instructions; and**
2. **Such further order be made as this Court may deem proper.**

Note: Respondent's Petition for Instructions was heard 11/17/14. The Court's Order thereon was entered on 2/12/15.

NEEDS/PROBLEMS/COMMENTS:

Note: The verification is signed by Petitioner's attorney on her behalf.

1. **Need verification of correct service list.** At #4 of the petition, Petitioner provides names and addresses of those entitled to notice. However, the Notice of Hearing filed 9-29-14 indicates mailing to some people at different addresses than were listed in the petition. Need clarification regarding notice to:
 - Petitioner Susan Frantzich's address: Tollhouse Road or Sample Road?
 - Brandon Rogers: Woodrow Avenue or Saginaw Way?(Also note: Why was notice sent "C/O" ? Direct notice is required per Cal. Rules of Court 7.51.)
 - Casey Scott Rogers: Woodrow Avenue or Lane Avenue?
2. **Need order.**

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="2">Eugene M. Ford</td></tr> <tr><td colspan="2">DOD: 4/25/93</td></tr> <tr><td colspan="2">Evelyn I. Ford</td></tr> <tr><td colspan="2">DOD: 12/23/13</td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2"> </td></tr> <tr><td colspan="2">Cont. from 081015, 091415, 110215</td></tr> <tr><td> </td><td>Aff.Sub.Wit.</td></tr> <tr><td>✓</td><td>Verified</td></tr> <tr><td> </td><td>Inventory</td></tr> <tr><td> </td><td>PTC</td></tr> <tr><td> </td><td>Not.Cred.</td></tr> <tr><td>✓</td><td>Notice of Hrg</td></tr> <tr><td>✓</td><td>Aff.Mail w</td></tr> <tr><td> </td><td>Aff.Pub.</td></tr> <tr><td> </td><td>Sp.Ntc.</td></tr> <tr><td> </td><td>Pers.Serv.</td></tr> <tr><td> </td><td>Conf. Screen</td></tr> <tr><td> </td><td>Letters</td></tr> <tr><td> </td><td>Duties/Supp</td></tr> <tr><td>✓</td><td>Objections</td></tr> <tr><td> </td><td>Video Receipt</td></tr> <tr><td> </td><td>CI Report</td></tr> <tr><td> </td><td>9202</td></tr> <tr><td> </td><td>Order x</td></tr> <tr><td> </td><td>Aff. Posting</td></tr> <tr><td> </td><td>Status Rpt</td></tr> <tr><td> </td><td>UCCJEA</td></tr> <tr><td> </td><td>Citation</td></tr> <tr><td> </td><td>FTB Notice</td></tr> </table>	Eugene M. Ford		DOD: 4/25/93		Evelyn I. Ford		DOD: 12/23/13						Cont. from 081015, 091415, 110215			Aff.Sub.Wit.	✓	Verified		Inventory		PTC		Not.Cred.	✓	Notice of Hrg	✓	Aff.Mail w		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp	✓	Objections		Video Receipt		CI Report		9202		Order x		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice	<p>CASEY S. ROGERS, Trustee, is Petitioner.</p> <p>Account period: 12/23/13-12/31/14</p> <p>Survivor's Trust Accounting: \$2,447,327.99 Survivor's Trust Beginning POH: \$2,423,730.79 Survivor's Trust Ending POH: \$ 258,261.60</p> <p>Marital Trust Accounting: \$1,793,172.79 Marital Trust Beginning POH: \$1,461,938.69 Marital Trust Ending POH: \$1,307,834.52</p> <p>Credit Trust Accounting: \$1,814,286.07 Credit Trust Beginning POH: \$1,800,300.00 Credit Trust Ending POH: \$0</p> <p>Petitioner states upon the death of Eugene M. Ford on 4/25/93, the Family Trust was divided into three separate subtrusts: The Survivor's Trust, the Marital Trust, and the Credit Trust. Evelyn I. ford executed various amendments and other testamentary documents thereafter. Following her death, Susan Frantzich produced a handwritten document dated 3/6/13.</p> <p>On or about 9/22/14, Beneficiary Susan Frantzich filed an Amended Petition for Determination of Validity of Trust Amendment, which disputes the distribution provisions of the Survivor's Trust and the Marital Trust. The Frantzich Petition is currently on hold pending a determination of the appeal: On 8/20/14, the Will, First Codicil, Second Codicil, and Third Codicil were admitted to probate and Petitioner Casey Scott Rogers was appointed as Executor by order of this Court in 14CEPR00536. Petitioner believes there are no assets subject to administration in the estate. On or about 11/4/14, Ms. Frantzich filed a notice of Appeal which is currently pending in the Fifth District Court of Appeal in F070917.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11/2/15: Mr. Keeler states that he wants an amended accounting that is accurate; Mr. Cobb represents that the accounting balances and is correct. Mr. Keeler requests time to meet and confer after the pending depositions set for later this week on the litigation side of this matter. The Court reserves the issue of attorney fees. Mr. Cobb represents that the Pre-trial Discovery Request will be filed in Civil Unlimited tomorrow.</p> <p>Minute Order 9/14/15: Ms. Gould reports that the related estate case (14CEPR00536) is in appeals; the opening brief was just filed last week so the appeal could go on for the next year. Mr. Cobb requests that the issue of ownership of the Tollhouse property be reserved and that the accounting be approved. The matter is continued in order for Mr. Keeler to be present.</p> <p>Note: Mr. Rogers filed two discovery motions on 11/3/15 that are set for hearing on 1/6/16.</p> <p>Note: It does not appear trial has been set in either this matter or the matter at Page A.</p> <p>1. Need order. See Local Rule 7.1.1.F.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11B – Ford</p>
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Petitioner states this petition is reasonably necessary for the protection of the interests of both the trustee and the beneficiaries of each subtrust given the ongoing disputes and/or objections related to the administration of each trust as raised by Ms. Frantzich. By means of this petition, the trustee seeks timely determination of all matters presented in this account.

Petitioner provides first accounts for each of the three subtrusts for account period 12/23/13 through 12/31/14 and describes misc. matters:

- **Subtrust Funding Plan.** Upon the death of Eugene M. Ford, the assets of the Family Trust were divided and allocated among the three subtrusts; namely, the Survivor's Trust, the Marital Trust, and the Credit Trust. Although the subtrust funding plan (Exhibit S) provided for allocation of the various real properties among the subtrusts, Evelyn I. Ford inadvertently failed to change record title to the various assets in a manner consistent with the subtrust funding plan. Rather, title to various assets remained in the Family Trust. Notwithstanding the failure to change title, Petitioner believes that at all relevant times, Evelyn I. Ford administered the subtrusts in a manner consistent with the allocation of assets provided in the subtrust funding plan, including the filing of taxes through the years. Petitioner has continued to administer the assets of each trust and has prepared the accounting for each trust consistent with the subtrust funding plan.
- **Short Sale of Beach House.** Pursuant to the Subtrust Funding Plan, the Beach House in Pebble Beach, CA, was allocated and distributed 50% to the Survivor's Trust, 7.64% to the Marital Trust, and 42.36% to the Credit Trust. During her lifetime, Evelyn I. Ford obtained a reverse mortgage secured by the beach house. Pursuant to its terms, the outstanding principal and accrued but unpaid interest became due immediately upon her death. As of 1/31/14, the outstanding balance on the reverse mortgage was \$5,172,316.00. The beach house was ultimately sold through a short sale for a total of \$4,250,000.00. After consulting with the accountant, Petitioner is informed and believes that the short sale did not result in any federal and state income taxes with respect to the interest owned by the Survivors and Marital Trusts; however, the sale resulted in federal and state income taxes in the sum of \$399,846.00 with respect to the Credit Trust. The Credit Trust is insolvent such that it will not be able to pay any of the taxes due and owing. Petitioner is in the process of preparing federal and state fiduciary income tax returns consistent with that set forth above.
- **Trustee Compensation In Regard to Short Sale.** Petitioner states he expended considerable time and effort to secure the lender's consent to the sale, which included paperwork, following up on status, and other communications with the lender. Petitioner is a licensed real estate agent, experienced in short sales, and the services provided were of the type typically performed by the listing agent. In recognition of this, the listing agent and broker offered to and did pay Petitioner a short sale processing fee of \$27,597.50 (1% of the total commission payable). The processing fee is the standard and customary fee paid in these types of transactions to a referring agent, particularly where the referring agent spent considerable time navigating the short sale process, and was only paid because Petitioner is a licensed real estate agent. It did not result in any increased costs of sale given that the commission was already due and payable to Coldwell Banker as the agent and broker. Under the terms of each trust, the trustee is entitled to reasonable compensation for services rendered. Petitioner therefore respectfully requests the Court authorize and approve the payment of the short sale processing fee of \$27,597.50 as reasonable compensation for services rendered by Petitioner in connection with the short sale of the beach house.

Petitioner requests this Court to order that:

1. The Petition to Settle and Approve First Account and Report of Administration of the three subtrusts be settled, allowed and approved as filed;
2. The first account of the Survivor's Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
3. The first account of the Marital Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
4. The first account of the Credit Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
5. Casey S. Rogers, as trustee, is authorized to accept the short sale processing fee of \$27,597.50 as his reasonable compensation for services rendered as trustee in connection with the short sale of the beach house; and
6. Such further order be made as this Court may deem proper.

Objection filed 8/7/15 by Susan Ford Frantzich states the accounts for the three subtrusts do not provide the detail required by Probate Code § 1061 et seq. A comparison of the schedules shows incompatible figures for purported transactions between the subtrusts. The Property on Hand shown for the Marital Trust shows property to which title is presently undetermined based on Evelyn Ford's handwritten document. The compensation received related to the sale of a trust asset is inappropriate and a breach of the trustee's fiduciary duties. See Objection for specific discussion.

Objector requests the Court order the following:

1. Deny the trustee's prayer for approval and settlement of his first account and report;
2. Order the trustee to properly and fully report and account;
3. Award Objectors' reasonable attorneys' fees and costs by determining that the trustee's first account has been filed and submitted in bad faith; and
4. For such other and further relief as the Court deems proper.

Petitioner filed Reply in Support of Petition on 9/10/15. Petitioner states the objection of Frantzich is made in bad faith and is further evidence of her intent to obstruct and delay the orderly administration of the trust estate.

First Amendment to Co-Trustees' First Account and Petition for Its Approval; for Approval and Allowance of Trustees' and Attorney's Fees and Costs; and for Surcharge of Litigation

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td colspan="3">Albert H. Brown</td></tr> <tr><td colspan="3">DOD: 6/23/11</td></tr> <tr><td colspan="3">Tinnie Lee Brown</td></tr> <tr><td colspan="3">DOD: May 2008</td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td colspan="3"> </td></tr> <tr><td> </td><td>Aff.Sub.Wit.</td><td> </td></tr> <tr><td>✓</td><td>Verified</td><td> </td></tr> <tr><td> </td><td>Inventory</td><td> </td></tr> <tr><td> </td><td>PTC</td><td> </td></tr> <tr><td> </td><td>Not.Cred.</td><td> </td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td> </td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>w</td></tr> <tr><td> </td><td>Aff.Pub.</td><td> </td></tr> <tr><td> </td><td>Sp.Ntc.</td><td> </td></tr> <tr><td> </td><td>Pers.Serv.</td><td> </td></tr> <tr><td> </td><td>Conf. Screen</td><td> </td></tr> <tr><td> </td><td>Letters</td><td> </td></tr> <tr><td> </td><td>Duties/Supp</td><td> </td></tr> <tr><td> </td><td>Objections</td><td> </td></tr> <tr><td> </td><td>Video Receipt</td><td> </td></tr> <tr><td> </td><td>CI Report</td><td> </td></tr> <tr><td> </td><td>9202</td><td> </td></tr> <tr><td>✓</td><td>Order</td><td> </td></tr> <tr><td> </td><td>Aff. Posting</td><td> </td></tr> <tr><td> </td><td>Status Rpt</td><td> </td></tr> <tr><td> </td><td>UCCJEA</td><td> </td></tr> <tr><td> </td><td>Citation</td><td> </td></tr> <tr><td> </td><td>FTB Notice</td><td> </td></tr> </table>	Albert H. Brown			DOD: 6/23/11			Tinnie Lee Brown			DOD: May 2008																			Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	w		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>GLEN A. BROWN and PAMELA J. BOLIN, Co-Trustees, are Petitioners.</p> <p>Account period: 6/23/11 through 8/31/15 Accounting: \$496,061.28 Beginning POH: \$432,652.20 Ending POH: \$197,303.26 (\$155,803.26 cash plus unimproved real property in Shasta County, personal property items, a promissory note from Glen A. Brown in the amount of \$12,000.00 and \$2,000.00 in reimbursement owed to the trust by Glen A. Brown for excess distribution)</p> <p>Co-Trustee Glen A. Brown: \$1,143.62 (\$1,500.00 less \$356.38 returned)</p> <p>Co-Trustee Pamela J. Bolin: \$1,507.00 In light of the \$432,652.20 value of the assets at commencement of administration, Petitioners believes the total trustee fees of approx. 0.7% of the total value are reasonable and ask that the Court approve the payment of these fees.</p> <p>Barrus and Roberts, PC: \$1,970.00 (paid during account period) plus \$11,911.43 plus \$870.00 filing. Petitioners request the Court approve payment of the fees paid, plus the additional fees and costs as well as additional fees and costs incurred after 10/31/14 as billed to Petitioners. See Exhibit 5.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note re history:</u> On 11/10/14, Co-Trustees Glen A. Brown and Pamela J. Bolin filed their First Account and Petition for its Approval; for Approval and Allowance of Trustees' and Attorney's Fees and Costs; and for Surcharge of Litigation Fees and Costs. Anita Payne objected.</p> <p><u>Minute Order from Settlement Conference on 12/3/15 states, in relevant part:</u> Parties reach settlement and state their agreement for the record. The agreement is signed by each party and by counsel in open court. The Court orders that the original agreement be attached to the Petition for Distribution as an exhibit, along with receipts for prior distributions.</p> <p align="center"><u>SEE ADDITIONAL PAGES</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 11/30/15</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 13 - Brown</td></tr> </table>	Reviewed by: skc	Reviewed on: 11/30/15	Updates:	Recommendation:	File 13 - Brown
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Petitioners state Distributions were made as follows: \$2,500 each to eight of the trustors' grandchildren, \$60,000 each to Kathy Short and Dennis Brown, and \$62,000 to Glen A. Brown; however, Petitioners agree that Glen A. Brown shall return the excess distribution of \$2,000 to the trust. Distributions to the two remaining children of the trustors, Pamela J. Bolin and Anita Payne, have been agreed by them to consist of the proceeds from the sale of the residence (\$155,774.25), subject to adjustments made as described on Exhibit 3.

The personal property items are to be distributed in accordance with the settlement agreement, with any items not addressed therein distributed in the co-trustees' discretion. The unimproved real property in Shasta County, CA, will be distributed in accordance with the settlement agreement and the trust provisions. The \$12,000 note owed by Glen A. Brown will be paid to the trust and distributed equally between Pamela J. Bolin and Anita Payne.

Petitioners request that a reserve of \$12,000.00 be held for payment of expenses incurring after this accounting, including but not limited to attorney fees, accountant costs, taxes, and any other costs that may arise. Trustees request that the \$12,000 promissory note be the asset held as the reserve and then when all final expenses have been paid, the balance will be distributed equally between Pamela and Anita.

Petitioners state on 8/23/13, Pamela J. Bolin with the prior knowledge and agreement of Anita Payne, obtained a loan in the amount of \$30,000 to pay what was inadvertently miscalculated as a deficiency in the trust payment to Glen A. Brown and to provide funds for roof repair on the Sylmar residence. Funds were disbursed \$12,000 to Glen A. Brown, \$6,000 as a loan, \$6,000 on the belief that the trust still owed him that amount; \$3,000 to the trust checking account, and \$15,000 retained by Pamela as an advance on her share.

Pursuant to the settlement agreement, the parties have agreed that the \$27,000 will be returned to the trust: \$15,000 will be charged against Pamela's share and Glen has executed a note for \$12,000.

Unlawful Detainer filed against Deborah Payne: The trust incurred costs relative to the unlawful detainer action and in the escrow documents related to the sale of the residence, Anita Payne agreed to imposition of a penalty against her share in the amount of \$5,000. Pursuant to the settlement agreement, this represents full satisfaction of any liability of Anita and her issue pursuant to the unlawful detainer action.

Petitioners pray for an order:

1. Settling and allowing the account and report and approving and confirming the acts of Petitioners for the account period of 3/23/11-8/31/15;
2. Approving the payments made from the trust for trustees' fees in the amount of \$1,143.62 to Glen A. Brown and \$1,507.00 to Pamela J. Bolin;
3. Approving the attorneys' fees and costs of \$1,970.00 paid to Barrus and Roberts, PC, during the account period, and the payment of \$12,781.43 representing additional fees and costs incurred through this petition; and
4. For such other orders as the Court may deem proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Pursuant to the Court's Minute Order dated 2/3/15, receipts for the prior distributions were to be attached to this petition. Petitioner provides a spreadsheet of distributions at Schedule C, but no receipts. The Court may require receipts as follows:
 - \$2500 each to the eight (8) grandchildren
 - \$60,000 each to Kathy Short and Dennis Brown
 - \$62,000 to Glen Brown (\$2,000 was to be returned to the trust and \$12,000 owed to Pamela)
 - Distributions pursuant to the petition as well as the settlement agreement, which includes attorney fees to Stephanie Krause and certain payments to Anita Payne, as well as distribution of specific personal property items.

DOD: 2/24/09		ROSALIA LANUZA , Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	1. As previously noted, it does not appear this petition can go forward. Attachment #14 indicates the decedent was survived by a spouse (Petitioner) and two minor children. Attachment #11 states the decedent owned a 100% interest in the property, and the attached Grant Deed recorded 6/20/07 grants the property to “Alvaro L. Lanuza, a single man.” Therefore, it appears the decedent owned this property as his <u>separate</u> property, which would pass 1/3 to Petitioner, and 1/3 to each of his two minor children pursuant to Probate Code §6401(c)(3). <u>Note:</u> Declaration filed 9/29/15 amends the prayer to request that the property pass 1/3 to Petitioner and 1/3 each to the two minor children, as described above. However, it does not appear this petition can be amended to this request, since pursuant to Probate Code §13150, all successors in interest must petition, and in this case, two of the successors are minors. No guardian of the estate has been authorized to petition or receive property on their behalf.
Cont. from 093015		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Decedent died intestate	
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.	Petitioner requests Court determination that	
<input type="checkbox"/>	Sp.Ntc.	Decedent's 100% interest in the real property passes to her 100%.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Update: Declaration filed 9/29/15 amends the prayer to request that the property pass 1/3 to Petitioner and 1/3 each to the decedent's two minor children.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
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<input type="checkbox"/>	Aff. Posting		
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			Reviewed by: skc
			Reviewed on: 11/30/15
			Updates:
			Recommendation:
			File 19 – Lanuza

Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 5/31/14		MANUEL PACHECO , Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	<p>1. It does not appear this petition can go forward as prayed.</p> <p>Petitioner states at #9 that the decedent was also survived by children, and also does not state whether the decedent was survived by issue of predeceased child.</p> <p>Attachment #14 lists four additional people, but does not indicate their relationship to the decedent.</p> <p>Pursuant to Probate Code §6401, it appears Petitioner would be entitled to a 1/3 share, and the decedent's children and/or issue of predeceased child would be entitled to share the remaining 2/3 share.</p> <p>Pursuant to Probate Code §13150, all successors in interest must petition together in order for this summary proceeding to be used.</p> <p>Therefore, this petition cannot go forward.</p>
Cont. from 102715		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.		<p>2. Petitioner's fee waiver was denied on 9/16/15. Therefore, the filing fee of \$435 is due. Note that the filing fee would be due regardless, since property valued at \$75,000.00 is proposed to pass.</p> <p>3. Petitioner did not provide a proposed order pursuant to Local Rule 7.1.1.F.</p>
<input checked="" type="checkbox"/>	Verified	I&A: \$75,000.00 (Real property in Firebaugh, CA)	
<input type="checkbox"/>	Inventory		<p>Reviewed by: skc</p> <p>Reviewed on: 11/30/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 – Pacheco</p>
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Decedent died intestate	
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner requests Court determination that the decedent's 100% interest in the real property in Firebaugh passes to him 100%.	
<input checked="" type="checkbox"/>	Aff.Mail	w	
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